

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

KUANG-BAO P. OU-YOUNG,

Plaintiff,

v.

LAWRENCE E. STONE, Santa Clara  
County Assessor; JEANETTE TONINI,  
Senior Assessment Clerk; JEFFERY  
ROSEN, District Attorney, Santa Clara  
County; and COUNTY OF SANTA  
CLARA,

Defendants.

Case No. 20-cv-00230-BLF

**ORDER DISMISSING DEFENDANTS  
TONINI AND ROSEN; AND  
DISMISSING ACTION**

Plaintiff Kuang-Bao P. Ou-Young, proceeding *pro se*, filed the complaint in this action in the Santa Clara County Superior Court on December 10, 2019. *See* Notice of Removal Exh. A, ECF 1-1. The complaint contains three claims: (1) Unreasonable Seizures; (2) Conspiracy; and (3) Conspiracy. Claim 1 is asserted against Defendants County of Santa Clara (“County”), County Assessor Lawrence E. Stone (“Stone”), Senior Assessment Clerk Jeanette Tonini (“Tonini”), and District Attorney Jeffery Rosen (“Rosen”). Claims 2 and 3 are asserted against numerous federal and local officials and employees.

On January 10, 2020, the United States Attorney’s Office, on behalf of the federal defendants, removed the action to federal district court. *See* Notice of Removal, ECF 1. Upon removal, the complaint was subject to pre-filing review by the district’s General Duty Judge, who directed the Clerk to accept the complaint for filing only as to the first claim. *See* Order Re Pre-Filing Review, ECF 11. The case was filed and then reassigned to the undersigned judge as related to an earlier filed action. *See* Order Relating Cases, ECF 15. This Court dismissed Claims

2 and 3 with prejudice and directed the Clerk to terminate defendants named only in those claims.  
*See* March 18, 2020 Order, ECF 20.

With respect to Claim 1, this Court granted a motion to dismiss filed by Defendants County and Stone, without leave to amend. *See* March 18, 2020 Order, ECF 20. The Court also ordered Plaintiff to show cause why Defendant Tonini should not be dismissed based on the County's representation that she is deceased. *See id.* Finally, the Court advised Plaintiff that failure to effect service of process on Defendant Rosen within 90 days after removal, or by April 9, 2020, would result in dismissal of Defendant Rosen from the action. Plaintiff neither responded to the Order to Show Cause regarding Defendant Tonini nor filed a proof of service on Defendant Rosen and the deadlines to do so have expired. In light of the COVID-19 virus, the Court has waited a significant period of time after expiration of the deadlines to respond to the Order to Show cause and file proof of service before issuing the present order. The Court has confirmed with the Clerk's Office staff that mail is being received and opened, and that if Plaintiff had submitted any documents they would have been docketed. Because Plaintiff has not shown cause why Defendant Tonini should not be dismissed, and has not effected service of process on Defendant Rosen, both Defendant Tonini and Defendant Rosen are DISMISSED WITHOUT PREJUDICE.

All Defendants having been dismissed, this action is hereby DISMISSED.

Dated: May 29, 2020



BETH LABSON FREEMAN  
United States District Judge